

REMARKS

The Office Communication

On June 18, a telephone interview occurred between the undersigned and the Examiner. In the interview, the Examiner requested submission of amended claims comporting with the Board's decision that was mailed on March 22, 2010. The Examiner indicated the amended claims would be entered by Examiner's amendment. A fax transmission of the requested amended claims was sent to the Examiner on June 18, 2010 at 15:07 EDT. The amended claims in that transmission are reflected in the amended claims presented above. Subsequent to the fax transmission, the Examiner called the undersigned to inquire as to why claim 8 was not canceled. As explained during that subsequent interview, claim 8 depends from claim 7 and the Board's decision and reasoning presented in the decision clearly reversed the Examiner with respect to claim 7. Consequently, the statement that the Examiner was affirmed with regard to claim 8 is a typographical error as claim 8's dependency from claim 7 makes claim 8 allowable as a matter of law.

The Office communication purportedly mailed on June 23, 2010 was never received at the address indicated on the face of the communication. In expectation of a Notice of Allowance based upon the prior communications with the Examiner and the transmission of the amended claims, an online check of the image file wrapper for this application was conducted through the public PAIR system on July 21, 2010. Upon discovery of the allegedly mailed Office communication, this response was prepared.

Conclusion

Applicant submits that the amended claims presented above comport with the instructions of the Office communication. No reading of the Board's decision consistent with current law can conclude that claim 8 was not affirmed. Therefore, Applicant has left claim 8 in the application. Upon entry of the amendments and payment for the fourth independent claim, claims 6-8, 10, 15, and 17-20 are in condition for allowance.

Respectfully submitted,
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